



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,642	02/10/2004	Sachin Desai	OR03-12701	1300
51067	7590	08/17/2006	EXAMINER	
ORACLE INTERNATIONAL CORPORATION c/o PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			GILLIS, BRIAN J	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/775,642	DESAI ET AL.
	Examiner Brian J. Gillis	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 February 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03282005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5, 7-12, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the method" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the method" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the method" in line 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the method" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the method" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the data" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the method" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the method" in line 24. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the amount" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the method" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the method" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the data" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the requested set of data" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the requested set of data" in line 16. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims refer to a computer-readable medium storing instructions that when executed by a computer causes the computer to

perform a method. The specification refers to a computer-readable medium not tangibly embodied by the use of carrier waves and transmission media. The computer-readable medium storing instructions must be in a tangible embodiment such as a storage medium and not a transmission medium.

It does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.

First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material.

"The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices, which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of

mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter.

The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary). Other courts have applied similar definitions. See American Disappearing Bed Co. v. Arnaelsteen, 182 F. 324, 325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical substance, which a claimed signal does not have. Congress can be presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change. Lorillard v. Pons, 434 U.S. 575, 580 (1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in American Fruit Growers when it passed the 1952 Patent Act.

A manufacture is also defined as the residual class of product. 1 Chisum, § 1.02[3] (citing W. Robinson, *The Law of Patents for Useful Inventions* 270 (1890)).

A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter,

require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of § 101 and such signal claims are ineligible for patent protection.

Applicant should refer to the guidelines found at:

[http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf) for information on computer related nonstatutory subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 12, 13, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Neeman et al (Foreign Publication GB 2367219A).

(Claim 7 discloses) a computer-implemented method of dynamically selecting a level of compression to apply to a set of data, the method comprising: receiving from a client a request for a set of data (Neeman et al shows a source sends requested data to clients (page 8, lines 1-3.)); determining a bandwidth available on a communication link used by the client (Neeman et al shows the bandwidth is determined over the transmission link (page 9, lines 4-6.)); based on the determined bandwidth, dynamically selecting a level of compression to apply to the set of data (Neeman et al shows the level of compression is set according to the bandwidth (page 9, lines 30-32.)); and

compressing the data using the selected level of compression prior to transmitting the set of data toward the client (Neeman et al shows the data is compressed (page 9, lines 20-29)).

(Claim 8 discloses) the method of claim 7, wherein the dynamically selected level of compression is inversely proportional to the determined bandwidth (Neeman et al shows the compression is selected based on bandwidth (page 12, lines 6-12)).

(Claim 12 discloses) a computer readable medium storing instructions that, when executed by a computer, cause the computer to perform a method of dynamically selecting a level of compression to apply to a set of data, the method comprising: receiving from a client a request for a set of data (Neeman et al shows a source sends requested data to clients (page 8, lines 1-3).); determining a bandwidth available on a communication link used by the client (Neeman et al shows the bandwidth is determined over the transmission link (page 9, lines 4-6).); based on the determined bandwidth, dynamically selecting a level of compression to apply to the set of data (Neeman et al shows the level of compression is set according to the bandwidth (page 9, lines 30-32).); and compressing the data using the selected level of compression prior to transmitting the set of data toward the client (Neeman et al shows the data is compressed (page 9, lines 20-29)).

(Claim 13 discloses) an apparatus for dynamically selecting a level of compression to be applied to data to be transmitted from the apparatus, comprising: a compression module configured to compress, with a specified level of compression, a set of data to be transmitted to a data requester (Neeman et al shows the data is

compressed prior to being transmitted (page 9, lines 20-29.); and a dynamic compression selection module configured to dynamically select said level of compression based on a bandwidth associated with a communication link employed by the data requestor (Neeman et al shows the level of compression is set according to the bandwidth (page 9, lines 30-32)).

(Claim 14 discloses) the apparatus of claim 13, further comprising: a bandwidth determination module configured to determine the bandwidth of a communication link used by the data requester (Neeman et al shows the bandwidth is determined over the transmission link (page 9, lines 4-6).).

(Claim 16 discloses) the apparatus of claim 14, wherein said bandwidth determination module is configured to retrieve the bandwidth from a database configured to identify bandwidths associated with data requesters' communication links (Neeman et al shows the bandwidth may be returned from a receiving client who simply reports the bandwidth (page 9, lines 5-6)).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Hunt et al (US Patent #5,764,235), in view of Jason, Jr. (US PGPUB US2003/0061356).

Claim 1 discloses an automated method of dynamically selecting a level of compression to be applied to data to be transmitted, the method comprising: receiving a data request at a server configured to serve data; identifying a bandwidth associated with a communication link coupling the server to a requestor that originate the data request; determining an amount of data requested in the data request; determining how busy the server is; dynamically selecting a level of compression based at least on the bandwidth; and compressing the requested data using the selected level of compression. Neeman et al teaches of a source sends requested data to clients (page 8, lines 1-3), the bandwidth is determined over the transmission link (page 9, lines 4-6), the level of compression is set according to the bandwidth (page 9, lines 30-32), and the data is compressed (page 9, lines 20-29). It fails to teach of determining an amount of data requested in the data request and determining how busy the server is. Hunt et al teaches of determining the amount of data requested in the request (column 9, lines 37-54).

Neeman et al and Hunt et al are analogous art because they are both related to transmitting data over a network based on conditions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the amount determination in Hunt et al with the system in Neeman et al because available bandwidth is used more efficiently (Hunt, column 2, lines 10-12).

Neeman et al in view of Hunt et al teaches of the limitations as recited above. It fails to teach of determining how busy the server is. Jason, Jr. teaches of a load monitor, which determines the busy the server is (paragraph 36).

Neeman et al in view of Hunt et al and Jason, Jr. are analogous art because they are both related to conditionally transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the load monitor in Jason, Jr. with the system in Neeman et al in view of Hunt et al because overloading can be prevented (Jason, paragraph 36).

Claim 4 discloses the method of claim 1, wherein said identifying comprises retrieving the bandwidth from a database. Neeman et al further teaches the bandwidth may be returned from a receiving client who simply reports the bandwidth (page 9, lines 5-6).

Claim 5 discloses the method of claim 1, wherein said dynamically selecting comprises identifying a level of compression suitable for the bandwidth. Neeman et al further teaches the level of compression chosen is suitable for the bandwidth (page 9, line 30 – page 10, line 3).

Claim 6 discloses a computer readable medium storing instructions that, when executed by a computer, cause the computer to perform a method of dynamically selecting a level of compression to be applied to data to be transmitted, the method comprising: receiving a data request at a server configured to serve data; identifying a bandwidth associated with a communication link coupling the server to a requestor that originate the data request; determining an amount of data requested in the data request; determining how busy the server is; dynamically selecting a level of compression based at least on the bandwidth; and compressing the requested data using the selected level of compression. Neeman et al teaches of a source sends

requested data to clients (page 8, lines 1-3), the bandwidth is determined over the transmission link (page 9, lines 4-6), the level of compression is set according to the bandwidth (page 9, lines 30-32), and the data is compressed (page 9, lines 20-29). It fails to teach of determining an amount of data requested in the data request and determining how busy the server is. Hunt et al teaches of determining the amount of data requested in the request (column 9, lines 37-54).

Neeman et al and Hunt et al are analogous art because they are both related to transmitting data over a network based on conditions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the amount determination in Hunt et al with the system in Neeman et al because available bandwidth is used more efficiently (Hunt, column 2, lines 10-12).

Neeman et al in view of Hunt et al teaches of the limitations as recited above. It fails to teach of determining how busy the server is. Jason, Jr. teaches of a load monitor, which determines the busy the server is (paragraph 36).

Neeman et al in view of Hunt et al and Jason, Jr. are analogous art because they are both related to conditionally transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the load monitor in Jason, Jr. with the system in Neeman et al in view of Hunt et al because overloading can be prevented (Jason, paragraph 36).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Hunt et al (US Patent #5,764,235),

in view of Jason, Jr. (US PGPUB US2003/0061356) as applied to claim 1 above, and further in view of Port80 (Non Patent Literature).

Claim 2 discloses the method of claim 1, further comprising: determining whether the requested data are cacheable. Neeman et al in view of Hunt et al in view of Jason, Jr. teaches of the limitations of claim 1 as recited above. It fails to teach of determining whether the requested data are cacheable. Port80 teaches of determining if the data is cacheable (page 7, lines 35-38).

Neeman et al in view of Hunt et al in view of Jason, Jr. and Port80 are analogous art because they are both related to compressing and transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cacheable feature in Port80 with the system in Neeman et al in view of Hunt et al in view of Jason, Jr. because enhanced performance of the system is provided (Port80, page 7, lines 14-15).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Hunt et al (US Patent #5,764,235), in view of Jason, Jr. (US PGPUB US2003/0061356) as applied to claim 1 above, and further in view of Willes et al (US PGPUB US2005/0120128).

Claim 3 discloses the method of claim 1, wherein said identifying comprises transferring a known quantity of data between the server and the requestor. Neeman et al in view of Hunt et al in view of Jason, Jr. teaches of the limitations of claim 1 as recited above. It fails to teach of identifying the bandwidth by transferring a known quantity of data between the server and the requestor. Willes et al teaches of

measuring throughput capacity, which is widely known to transfer a known quantity of data between two points to measure bandwidth (paragraph 68).

Neeman et al in view of Hunt et al in view of Jason, Jr. and Willes et al are analogous art because they are both related to compressing and transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the throughput capacity measuring feature in Willes et al with the system in Neeman et al in view of Hunt et al in view of Jason, Jr. because a system to reliably send data across a network which is efficient and able to change to conditions is provided.

Claims 9, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Port80 (Non Patent Literature).

Claim 9 discloses the method of claim 7, further comprising: determining whether the set of data is cacheable; wherein a higher level of compression is dynamically selected if the set of data is cacheable than if the set of data is not cacheable. Neeman et al teaches of the limitations of claim 7 as recited above. It fails to teach of determining whether the set of data is cacheable. Port80 teaches of determining if the data is cacheable and if the data is cacheable it is compressed and if it is not cacheable it is not compressed (page 7, lines 35-38).

Neeman et al and Port80 are analogous art because they are both related to compressing and transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cacheable feature in Port80 with the system in Neeman et al because enhanced performance of the system is provided (Port80, page 7, lines 14-15).

Claim 11 discloses the method of claim 9, wherein said determining comprises: using an identity of the client, retrieving from a data collection a bandwidth associated with the identity. Neeman et al further teaches the bandwidth may be returned from a receiving client who simply reports the bandwidth (page 9, lines 5-6).

Claim 18 discloses the apparatus of claim 13, wherein the apparatus is configured to determine whether the requested set of data is cacheable. Neeman et al teaches of the limitations of claim 13 as recited above. It fails to teach of determining whether the set of data is cacheable. Port80 teaches of determining if the data is cacheable (page 7, lines 35-38).

Neeman et al and Port80 are analogous art because they are both related to compressing and transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the cacheable feature in Port80 with the system in Neeman et al because enhanced performance of the system is provided (Port80, page 7, lines 14-15).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Port80 (Non Patent Literature) as applied to claim 9 above, and further in view of Willes et al (US PGPUB US2005/0120128).

Claim 10 discloses the method of claim 9, wherein said determining comprises: transferring to the client a data object having a known size; and measuring the amount of time required for the transfer. Neeman et al in view of Port80 teaches of the limitations of claim 9 as recited above. It fails to teach of identifying the bandwidth by transferring a known size data object to a client and measuring the amount of time required for the transfer. Willes et al teaches of measuring throughput capacity, which is widely known to transfer a known quantity of data between two points to measure bandwidth (paragraph 68).

Neeman et al in view of Hunt et al in view of Jason, Jr. and Willes et al are analogous art because they are both related to compressing and transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the throughput capacity measuring feature in Willes et al with the system in Neeman et al in view of Hunt et al in view of Jason, Jr. because a system to reliably send data across a network which is efficient and able to change to conditions is provided.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Willes et al (US PGPUB US2005/0120128).

Claim 15 discloses the apparatus of claim 14, wherein said bandwidth determination module is configured to calculate the bandwidth by transferring a known quantity of data between the data requestor and the apparatus. Neeman et al teaches

of the limitations of claim 14 as recited above. It fails to teach of identifying the bandwidth by transferring a known quantity of data between the server and the requestor. Willes et al teaches of measuring throughput capacity, which is widely known to transfer a known quantity of data between to points to measure bandwidth (paragraph 68).

Neeman et al and Willes et al are analogous art because they are both related to compressing and transmitting data over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the throughput capacity measuring feature in Willes et al with the system in Neeman et al because a system to reliably send data across a network, which is efficient and able to change to conditions, is provided.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neeman et al (Foreign Publication GB 2367219A) in view of Hunt et al (US Patent #5,764,235).

Claim 17 discloses the apparatus of claim 13, wherein the apparatus is configured to determine a size of the requested set of data. Neeman et al teaches of the limitations of claim 13 as recited above. It fails to teach of determining the size of the requested set of data. Hunt et al teaches of determining the amount of data requested in the request (column 9, lines 37-54).

Neeman et al and Hunt et al are analogous art because they are both related to transmitting data over a network based on conditions.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the amount determination in Hunt et al with the system in Neeman et al because available bandwidth is used more efficiently (Hunt, column 2, lines 10-12).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McIntyre (US PGPUB US2003/0039398) teaches of dynamic bandwidth adaptive image compression/decompression scheme. Le (US PGPUB US2005/0086383) teaches of optimizing the compression efficiency in a packet communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian J Gillis  
Examiner  
Art Unit 2141

BJG



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER